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HOUSE BILL 16

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joe Thompson

AN ACT

RELATING TO LAW ENFORCEMENT; ENACTING THE AMBER ALERT LAW;
PROVIDING FOR AN AMBER ALERT NOTIFICATION PLAN FOR THE PURPOSE
OF RAPID DISSEMINATION OF INFORMATION RELATING TO ABDUCTION OF
CHILDREN; PROVIDING A CRIMINAL PENALTY; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"AMBER Alert Law".

Section 2. DEFINITIONS.--As used in the AMBER Alert Law:

A. "AMBER alert" means a declaration by the
authorized requester that an abduction has occurred and that
notifications and broadcasts should be made pursuant to the
AMBER alert notification plan;

B. "authorized requester" means the person
designated by the chief of the state police to implement the

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1 AMBER alert notification plan;

2 C. "chief of the state police" means the director
3 of the New Mexico state police division of the department of
4 public safety;

5 D. "lead station" means an AM radio station that
6 has agreed to assist the state police in the implementation of
7 the AMBER alert notification plan and to broadcast AMBER alerts
8 pursuant to that plan; and

9 E. "state police" means the New Mexico state police
10 division of the department of public safety.

11 Section 3. STATE POLICE--AMBER ALERT NOTIFICATION PLAN--
12 DECLARATION OF AMBER ALERT. --

13 A. The state police shall develop and implement an
14 AMBER alert notification plan for the purpose of disseminating,
15 as rapidly as possible, information about a child abduction so
16 that law enforcement agencies and citizens throughout the state
17 may be aware and vigilant. The plan shall:

18 (1) provide a procedure for notifying lead
19 stations by the authorized requester that an AMBER alert has
20 been declared. The procedure shall include codes for use by
21 the authorized requestor in communicating with a lead station
22 to prevent false alerts;

23 (2) provide that a lead station shall
24 broadcast the alert every thirty minutes for at least eight
25 hours unless notified by the authorized requester that the

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1 alert has been terminated;

2 (3) include a procedure for notifying the
3 radio communications bureau of the communications division of
4 the general services department that an AMBER alert has been
5 declared. The bureau shall immediately transmit the
6 notification and related information to all state field
7 operations employees so that they may be aware and vigilant in
8 the course of their regular activities;

9 (4) include a procedure for notifying all
10 local law enforcement agencies that an AMBER alert has been
11 declared; and

12 (5) provide for dissemination of information
13 about a child or a child's abductor to lead stations, the radio
14 communications bureau and local law enforcement agencies when
15 an AMBER alert has been declared.

16 B. The chief of the state police shall select one
17 or more lead stations that broadcast to a large portion of New
18 Mexico and that have agreed to assist the state police in
19 broadcasting an AMBER alert pursuant to the AMBER alert
20 notification plan.

21 C. The state police shall distribute the AMBER
22 alert notification plan to all local law enforcement agencies
23 and provide such training and other assistance as is necessary
24 to ensure that the plan can be properly implemented.

25 D. The authorized requester may declare an AMBER

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1 alert when the requester has reason to believe that:

2 (1) a child under the age of eighteen has been
3 abducted by an unrelated person;

4 (2) the child is in imminent danger of serious
5 bodily harm or death; and

6 (3) there is specific information available
7 about the child or the child's abductor that may assist in an
8 expedient and successful end to the abduction.

9 E. Once an AMBER alert has been declared, only the
10 authorized requester may terminate the AMBER alert.

11 Section 4. AMBER ALERT--INITIATION BY OTHER LAW
12 ENFORCEMENT AGENCIES. --

13 A. If a law enforcement agency, other than the
14 state police, desires that an AMBER alert be declared, it shall
15 notify the authorized requester. The authorized requester
16 shall declare an AMBER alert if, after evaluating the
17 information, the authorized requester believes that the
18 criteria for declaring an alert has been satisfied.

19 B. The procedures for initiating an AMBER alert
20 pursuant to the AMBER Alert Law are available to all law
21 enforcement agencies in New Mexico; provided that nothing in
22 that law prohibits a local law enforcement agency from
23 developing and implementing its own similar notification plan;
24 provided further that nothing in that act supercedes a
25 provision or procedure in such a local notification plan.

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Section 5. SUBMISSION OF FALSE INFORMATION--PENALTY.--A person who knowingly submits false information that results in the declaration of an AMBER alert is guilty of a petty misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978.

Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.